

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

---

**HEIDI EVERTS, Individually and as Executrix of  
the Estate of TIMOTHY EVERTS,**

**Civil Action No.: 5:01-CV-0383**

**Plaintiff,**

**ACTION NO. 1**

**-vs-**

**ALTEC INDUSTRIES, INC.,**

**Defendant.**

---

**ALTEC INDUSTRIES, INC.,**

**Civil Action No.: 5:01-CV-0383**

**Defendant/Third-Party Plaintiff,**

**ACTION NO. 2**

**-vs-**

**NIAGARA MOHAWK POWER CORPORATION,**

**Third-Party Defendant.**

---

**DEFENDANT/THIRD-PARTY PLAINTIFF'S WITNESS LIST**

PLEASE TAKE NOTICE, defendant/third-party plaintiff Altec Industries, Inc. may call any or all of following witnesses:

<b>NAME</b>	<b>DESCRIPTION</b>
Heidi Everts	Decedent's wife
Matthew Quenneville	Niagara Mohawk Line Foreman Hot Stick Was working with decedent at time of accident
Paul J. Daino	Niagara Mohawk Line Mechanic B Was working with decedent at time of accident
William F. Mullady	Niagara Mohawk Trainer Trained decedent
Michael Schremp	Niagara Mohawk Superintendent (Central Region) Transmission Distribution Department Investigated accident
John T. Ryan	Niagara Mohawk Hot Stick Lineman Participant in accident re-creation

Nelson F. Butler	Niagara Mohawk Chief Line Mechanic - Hot Stick Deceased's stepfather
Jane H. Butler	Deceased's mother
Stephen Nicholson	Niagara Mohawk Fleet Engineer Ordered subject aerial lift device
Jim Systma	Altec Engineer
Michael Anderson	Altec Director of Product Engineering (Creedmoor, NC)
Keith A. Vincent	Niagara Mohawk Lineman Previously worked with decedent, observed work habits
Josh Chard	Altec Manager of Prevention and Product Safety
Daniel Tice	Niagara Mohawk Safety Specialist & Instructor (Retired 7/1/02) Involved with investigation and re-creation of accident
Dave Masters	Altec Engineer Involved in development of aerial lift devices & AN 650 series
Richard L. Viehdorfer	Niagara Mohawk Transportation Department Involved with management of Niagara Mohawk's aerial lift device fleet, including Altec aerial lift devices
Anthony D. Brown	Altec expert witness
Kevin Wheeler	Altec expert witness
Helmut Brosz	Altec expert witness
Jerry Purswell	Altec expert witness
Daniel McGowan	Altec expert witness

**PLEASE TAKE FURTHER NOTICE**, defendant/third-party plaintiff Altec Industries, Inc. may use transcripts from the following depositions, in whole or in part:

<b>Name</b>	<b>Party or Expert</b>	<b>Date of Deposition</b>
Anderson, Carl	Altec	6/27/02
Butler, Nelson	NiMo	3/15/02
Butler, Jane	Plaintiff	3/22/02
Brosz, Helmut	Expert	5/30/03
Brown, Anthony	Expert	5/8/03
Chard, Joshua	Altec	1/17/03
Daino, Paul J.	NiMo	1/31/02
Everts, Heidi	Plaintiff	9/20/01
Frost, John C.	Expert	12/17/03
Greene, George	Expert	5/3/03
Mathis, Randy	Altec	2/1/02
Mullady, Bill F.	NiMo	3/13/02
Nicholson, Stephen	NiMo	3/22/02
Prosser, Howard	Expert	5/10/03
Purswell, Jerry Lee	Expert	12/17/03
Quenneville, Matthew F.	NiMo	1/30/02
Ryan, John T.	NiMo	3/15/02
Schremp, Michael	NiMo	3/15/02

Sherman, B. Wesley	Expert	12/16/03
Spink, John	NiMo	3/15/02
Sytsma, James A.	Altec	6/26/02
Tice, Daniel	NiMo	7/31/02
VanEmmerik, Edward	NiMo	3/15/02
Vincent, Keith A.	NiMo	12/23/02
Wheeler, Kevin	Expert	5/30/03

**DATED:      October 21, 2004**

**COSTELLO, COONEY & FEARON, PLLC**

**/s/ Robert J. Smith**

**ROBERT J. SMITH (Bar Roll No.: 102628)  
Attorneys for the Defendant/Third-Party Plaintiff,  
ALTEC INDUSTRIES, INC.  
Office and Post Office Address  
Salina Place, 205 South Salina Street  
Syracuse, New York 13202-1307  
Telephone: (315) 422-1152**

**-and-**

**HOOD LAW FIRM, LLC  
ROBERT HOLMES HOOD  
ROBERT H. HOOD, JR.  
Attorneys for the Defendant/Third-Party Plaintiff,  
ALTEC INDUSTRIES, INC.  
Office and Post Office Address  
172 Meeting Street  
Charleston, South Carolina 29401  
Telephone: (843) 577-4435**

**TO: JOHN A. DEFRANCISCO, ESQ.**  
**DEFRANCISCO LAW FIRM**  
**Attorney for the Plaintiff**  
**HEIDI EVERTS, Individually and as**  
**Executrix of the Estate of TIMOTHY EVERTS**  
**Office and Post Office Address**  
**121 E. Water Street**  
**Syracuse, New York 13202**  
**Telephone: (315) 479-9000**

**SAMUEL A. CHERRY, JR., ESQ.**  
**THE COCHRAN FIRM**  
**Attorney for the Plaintiff**  
**HEIDI EVERTS, Individually and as**  
**Executrix of the Estate of TIMOTHY EVERTS**  
**Office and Post Office Address**  
**163 West Main Street**  
**P.O. Box 927**  
**Dothan, AL 36302**  
**Telephone: 334-793-8280**

**TIMOTHY FENNELL, JR., ESQ.**  
**AMDURSKY, PELKY, FENNELL & WALLEN**  
**Attorney for Third-Party Defendant**  
**NIAGARA MOHAWK POWER CORPORATION**  
**26 E. Oneida Street**  
**Oswego, New York 13126**  
**Telephone: (315) 343-6363**